

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) NO. 04-30046 MAP
)
ANTHONY MATOS)

MOTION TO AMEND SCHEDULING ORDER
AND TO CONTINUE SENTENCING DATE

Now comes the defendant, Anthony Matos, by and through counsel, and moves this Honorable Court for an order amending the current Scheduling Order, and to continue the date scheduled for the preparation of the Pre-sentence Report and for Sentencing, and as his basis, therefore, asserts the following;

The court established a Scheduling Order following the defendant's Plea on May 5, 2006. The Order called for the Government to provide defense counsel and the Probation Department with its Statement of Relevant Facts by May 11, 2006.

The defendant received this submission on August 22, 2006. Two days later, on August 24, 2006, the defendant received an addendum to the Government's submission documenting 292 loans which the Government alleges were fraudulent and for which the Government will seek to hold defendant Matos responsible for as Relevant Conduct under the United States Sentencing Commission Guidelines.

In order to properly prepare a reasoned response to the materials which are in excess of 90 pages, and reference voluminous documents which are part of the Discovery in this case, the defendant needs a reasonable opportunity to review these submissions with his client and prior to an interview with the Probation Department.

Under the current Scheduling Order, Hearings on defendant's Motion to Establish Loss Criteria are scheduled for September 1, 2006.

The preparation of the Final Pre-sentence Report has been scheduled to be completed by October 9, 2006.

Counsel for the defendant will not have had a reasonable period of time to prepare for the Probation Department interview and will be without a reasonable period of time with which to review the material with his client.

WHEREFORE, the defendant moves this court for an order amending the Scheduling Order to continue to a date certain the preparation of the Pre-sentence Report, the Sentencing date, and the date now established for Hearing on any and all loss calculation motions.

THE DEFENDANT,

BY: /s/ Vincent A. Bongiorno, Esq.
95 State Street, Suite 309
Springfield, MA. 01103
(413) 732-0222
BBO #049040

CERTIFICATE OF SERVICE

I, Vincent A. Bongiorno, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to the Assistant United States Attorney, William Welch, Esq., United States District Court, 1550 Main Street, Springfield, MA. 01103 this 24th day of August 2006.

/s/ Vincent A. Bongiorno